

Allen Owen, Mayor
Eunice Reiter, Mayor Pro Tem
Jerry Wyatt, Councilmember
Barbara Gibson, Councilmember



Buddy Jimerson, Councilmember
Brett Kolaja, Councilmember
Cynthia Gary, Councilmember
Caroline Kelley, City Attorney
Frank Simpson, City Manager
Patrice Fogarty, City Secretary

CITY COUNCIL SPECIAL MEETING AGENDA

Notice is hereby given of a Special Meeting of the City Council to be held on **Monday, March 16, 2009**, at **5:45 p.m.** at: **City Hall; 2nd Floor Conference Room behind the Council Chambers**, 1522 Texas Parkway, Missouri City, Texas, for the purpose of considering the items listed below. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. DISCUSSION/POSSIBLE ACTION

- (a) Houston-Galveston Area Council will make a presentation regarding implementation of specific Air Quality Emission Reduction projects.
- (b) Status of El Dorado Golf Course reconstruction project.
- (c) Consider and discuss the City's sign regulations.
- (d) Consider and discuss the term "tagging" an agenda item.
- (e) Consider and discuss the rules for the order of business of City Council meetings.

3. CLOSED EXECUTIVE SESSION

Council may meet in a closed session pursuant to Chapter 551 of the Texas Government Code, for reasons including but not limited to: consultation with legal counsel to seek or receive legal advice or consultation regarding pending or contemplated litigation; discussion about the value or transfer of real property and other real estate matters; deliberation regarding economic development negotiations; and deliberation regarding personnel matters. Council will meet in a closed session on the following and as authorized by:

Texas Government Code, Section 551.071 -- Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Open Meetings Act: recovery of costs related to City's withdrawal from plans to design and build a wastewater treatment plant in the Mustang Bayou Utility Service Area.

Texas Government Code, Section 551.087 -- Deliberations regarding commercial or financial information that the governmental body received from a business prospect that the governmental body seeks to locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations: manufacturing prospect update.

4. CONVENE INTO OPEN SESSION – *Take action, if necessary.*

5. ADJOURN

In compliance with the Americans With Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Patrice Fogarty, City Secretary, at 281-403-8685.

CERTIFICATION

I certify that a copy of the March 16, 2009, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on March 13, 2009 at 2:00 p.m.



Maria Gonzalez, Deputy City Secretary

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ day of _____, 2009.

Title: _____



**Special City Council Agenda Item
March 16, 2009**

2. DISCUSSION/POSSIBLE ACTION

- (e) Consider and discuss the rules for the order of business of City Council meetings.
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Background information attached as follows:

Cover Memo

Ordinance

Changes Marked



Special Council Agenda Item Cover Memo
March 16, 2009

To: Mayor and City Council
Agenda Item: 2e Amendment of an Ordinance providing rules for the order of business of City Council meetings and deferrals of certain agenda items.
Prepared by: Ryan Stults, Assistant City Attorney
Submitted by: Patrice Fogarty, City Secretary
Caroline Kelley, City Attorney

SYNOPSIS

The proposed ordinance sets forth amendments to Subsections 2-77(a) and 2-77(b) of Chapter 2, Administration, of the Code of Ordinances.

Per the City Charter, the order of the items of business must be set by ordinance. Subsection 2-77(a) contains the rules setting the order of business of the agenda for City Council Meetings. In order to provide flexibility in setting the agenda, the attached ordinance adds a provision allowing the order to be changed by the City Manager. Additionally, certain items have been reordered. Finally, because the ordinance is merely intended to set the order and not to title agenda items, the language identifying items of business has been simplified.

Per *Robert's Rules of Order*, councilmembers may move to postpone agenda items to a date certain or indefinitely, via majority vote. Subsection 2-77(b) supplements *Robert's Rules of Order* by providing that an individual councilmember may "tag" the final action on an agenda item, without a majority vote. This ordinance rewords and clarifies this provision.

FISCAL ANALYSIS

No fiscal impact.

STAFF'S RECOMMENDATION

Consideration of draft ordinance at workshop.

Frank Simpson
City Manager

ORDINANCE NO. O-09-

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF MISSOURI CITY, TEXAS; PROVIDING RULES FOR THE ORDER OF BUSINESS OF CITY COUNCIL MEETINGS AND FOR THE DEFERRAL OF FINAL ACTION OF CERTAIN ITEMS AT CITY COUNCIL MEETINGS; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The Code of Ordinances of the City of Missouri City, Texas, is hereby amended by deleting Subsections 2-77(a) and 2-77(b) of Division 3 of Article II of Chapter 2 and substituting therefor new Subsections 2-77(a) and 2-77(b) of Division 3 of Article II of Chapter 2 to provide as follows:

“Chapter 2 ADMINISTRATION

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ARTICLE II. CITY COUNCIL

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DIVISION 3. MEETINGS

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Sec. 2-77. Agenda; order of business.

(a) *Order of business.* The proceedings of the council shall be as follows, except for any changes in order made by the City Manager:

- (1) Roll call.
- (2) Pledge of allegiance.
- (3) Presentations and recognitions.
- (4) Consent agenda.
- (5) Minutes.
- (6) Reports.
- (7) Appointments.
- (8) Authorizations.
- (9) Public comments.

- (10) Zoning ordinances.
- (11) Ordinances.
- (12) Resolutions.
- (13) Additional public hearings.
- (14) Closed executive session.

(b) *Deferring final action on an agenda item.*

- (1) A councilmember may defer final action on an agenda item provided such deferral shall not render such agenda item moot. Such deferral shall postpone final action on the agenda item until the next regular council meeting when the item can be legally noticed.
- (2) A councilmember may defer final action on an agenda item only if the councilmember is present for at least part of the consideration of such item.
- (3) A councilmember may defer final action on an agenda item only if the deferral is made prior to the vote on the final action on the agenda item.
- (4) A councilmember may not defer final action on an agenda item which has been previously deferred.
- (5) A councilmember may not defer final action on an emergency item.”

Section 2. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED AND APPROVED on first reading this ____ day of _____, 2009.

PASSED, APPROVED AND ADOPTED on second and final reading this ____ day of _____, 2009.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Patrice Fogarty, City Secretary

Caroline Kelley, City Attorney

Chapter 2
ADMINISTRATION

Changes Marked

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ARTICLE II. CITY COUNCIL

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DIVISION 3. MEETINGS

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Sec. 2-77. Agenda; order of business.

(a) *Order of business.* The proceedings of the council shall be as follows, except for any changes in order made by the City Manager:

- (1) Roll call.
- (2) Pledge of allegiance.
- (3) Presentations and recognitions.
- (4) Consent agenda.
- ~~(5) Adoption and, if necessary, correcting of the minutes.~~
- (5) Minutes.
- (6) Reports.
- (7) Appointments.
- ~~(78) Authorizations by council.~~
- ~~(89) Public comments.~~
- ~~(9) Public hearings. (10) Public hearing and consideration of zoning~~ (10) Zoning ordinances.
- ~~(11) Consideration of ordinances.~~
- ~~(12) Consideration of resolutions.~~
- ~~(13) Receiving of reports.~~
- (11) Ordinances.
- (12) Resolutions.
- (13) Additional public hearings.
- (14) Closed executive session.

(b) Deferring final action on an agenda item.

- ~~(b) Tagging of new matters. When any new matter is presented for the first time to the council for final action, a member of the council may "tag" such matter for~~

~~consideration the next regular council meeting, when such action will not render the subject matter moot; and if a councilmember is absent from the city or is ill at the time a new matter is originated, he shall have the privilege of "tagging" the new matter.~~
1) A councilmember may defer final action on an agenda item provided such deferral shall not render such agenda item moot. Such deferral shall postpone final action on the agenda item until the next regular council meeting at a subsequent council meeting, provided such new matter has not been previously acted upon by the council. when the item can be legally noticed.

- (2) A councilmember may defer final action on an agenda item only if the councilmember is present for at least part of the consideration of such item.
- (3) A councilmember may defer final action on an agenda item only if the deferral is made prior to the vote on the final action on the agenda item.
- (4) A councilmember may not defer final action on an agenda item which has been previously deferred.
- (5) A councilmember may not defer final action on an emergency item.

Document comparison done by Workshare Professional on Wednesday, March 11, 2009 6:19:44 PM

Input:	
Document 1	file://W:/LEGALPC/Ordinance/Changes Marked/Chapter 2-77 Agenda Original.doc
Document 2	file://W:/LEGALPC/Ordinance/Section 2-77 Agenda Order and Deferrals.doc
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
<u>Moved from</u>	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
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Deletions	12
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	52